



SUMMARY REVIEW

The new legislation for Growth Management recently signed into law last Thursday by Gov. Scott was an attempt by the Legislature to redirect planning from the old way of doing business in Florida, "Top Down" (the Ivory Tower of DCA in Tallahassee) to a more "Bottom Up" (local government) approach.

The old method of doing things was to wait on the State Agency (DCA) to tell the local government what to do, how to do it, where to do it, and by how much. If the local government wanted to do anything different then what DCA was willing to bless the local government with then a struggle would commence with alternatives offered and if lucky the local government could reach a compromise.

The new approach as outlined by both Representative Precourt and Secretary Buzzett is that the new state agency or now division would be available to assist not direct a local government thru the maze of the process of planning in Florida. The Regional Planning Councils are also available to play the role of "coaches" and "mediators" for local governments or between local governments depending on the issues.

The new law shifts the greater burden of planning upon local governments, provides more choices for the local government to make on what they want to do and participate in for planning, concurrency, and level of services. More decisions are final at the local level, and the state is assuming the local governments will be more diligent in their efforts in doing their task to comply with the requirements that have been shifted to the local arenas.

The following have been shifted totally to the local governments:

- A) Small scale comprehensive plan amendments
- B) Capital Improvement Plans and schedules, local ordinance approved annually
- C) Support material and level of detail for the preparation of the EAR letter of amendments
- D) Recreation level of service for acreage and facilities. This is now elective for a city or county no requirement language is in the law nor optional language is outlined.

The following are optional items that a local government can elect to perform or not:

A) Transportation concurrency - a local government can decide to not participate, other minimum requirements still exist but concurrency can be deleted from local participation or stay in concurrency if they wish.

B) School concurrency - local government can also decide to not participate, the Education element can be deleted and the local government can still participate via an interlocal agreement which is outlined in the law. So the local government can stay in a concurrency program but get it out of the comprehensive plan.

C) Energy efficiency and reduction of greenhouse gas emissions are both deleted from the law, these are then up to the local government if the local government wants to address these issues or not.

Streamline the process and the state scope of interest:

The fact that all future large scale amendments after the EAR based amendments are done can be done when local governments want to do them not wait for only 2 per year is again your choice, is a bonus under the law. In addition, the review timeframes have been shortened, and the area for review by all state review agencies is now mandated by law to be focused and within specific time frames. No more over reaching the boundaries of their jurisdiction to review items that they have no experience in but want to include.

Problem areas:

I see some problem areas that some so called "experts" still have no real idea how things in the future will shake out;

A) Urban sprawl test - the new law has placed in law (not rule but the force of law) the 13 urban sprawl indicators added 8 more that someone has to prove 4 of the 8 are not triggered as sprawl to pass the test so an amendment can be approved. This is more stringent than the old law and since it is law wiggle room seems to get nonexistent.

B) Affordable housing requirements - the new requirements replaced the old criteria that was specific and did have a formula that could be followed. Now the method is more fluid. See some ability for state and region to have room on how to interpret the new language and how do we comply to do the analysis.

C) Concurrency opt outs - how do adjacent local governments deal with communities that opt out of concurrency requirements?? How do other agencies or the school district deal with road systems or schools that have LOS issues in local governments that have elected to opt out of concurrency??